

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 6, 1982
AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Wilson at 8:44 a.m. The meeting was recessed by Mayor Wilson at 10:20 a.m. The meeting was reconvened by Mayor Wilson at 10:36 a.m. with Council Members Mitchell, Cleator, Williams and Killea not present. The meeting was recessed by Mayor Wilson at 10:37 a.m. into Closed Session in the Twelfth Floor Conference Room on pending litigation.

The meeting was reconvened by Mayor Wilson at 2:03 p.m. with Council Members Mitchell, Cleator, Williams and Killea not present. The meeting was recessed by Mayor Wilson at 2:04 p.m. into Closed Session in the Twelfth Floor Conference Room on meet and confer matters and pending litigation. The meeting was reconvened by Mayor Wilson at 3:18 p.m. with Council Member Williams not present. The meeting was recessed by Mayor Wilson at 4:02 p.m. to meet as the Housing Authority. The meeting was reconvened by Mayor Wilson at 4:04 p.m. with Council Member Williams not present. Mayor Wilson adjourned the meeting at 6:30 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Wilson-present.
 - (1) Council Member Mitchell-present.
 - (2) Council Member Cleator-present.
 - (3) Council Member Golding-present.
 - (4) Council Member Williams-excused by R-256173 (illness).
 - (5) Council Member Struiksma-present.
 - (6) Council Member Gotch-present.
 - (7) Council Member Murphy-present.
 - (8) Council Member Killea-present.
- Clerk-Abdelnour (jb a.m.; eb p.m.)

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:
Mayor Wilson-present.
Council Member Mitchell-present.
Council Member Cleator-not present.
Council Member Golding-present.
Council Member Williams-not present.
Council Member Struiksma-present.

Council Member Gotch-present.
Council Member Murphy-present.
Council Member Killea-present.

* ITEM-54:

19820406

Forty Five actions relative to SETTING ASIDE and DEDICATING
the following parcels of CITY-OWNED LAND as PUBLIC PARKS:
Subitem-D: (O-82-143) CONTINUED TO APRIL 19, 1982, 2:00 P.M.

A PORTION of PUEBLO LOT 206 of the PUEBLO LANDS OF SAN
DIEGO, together with PORTIONS of LOTS 1, 2, 3, 4, 5, 6, 7, and
8 in BLOCK 8 of LOMA ALTA NO. 1 (16.54 acres located at Nimitz
and Famosa Boulevards, Ocean Beach. DISTRICT- 2);
(All items, with the exception of Subitem HH, were
introduced on 3/22/82. Council voted 7-0. District 4 and Mayor
not present. Subitem D - Revised and Trailed from 4-5-82.)

FILE LOCATION: Subitem D DEED F-1338, Collier Community Park.

COUNCIL ACTION: (Tape location: A040-069).

MOTION BY GOTCH TO CONTINUE SUBITEM D TO APRIL 19, 1982, 2:00
P.M., AT PERLA KIMBALL'S REQUEST. Second by Murphy. Passed by the
following vote: Mitchell- yea, Cleator-not present, Golding-yea,
Williams-not present, Struiksmay-yea, Gotch-yea, Murphy-yea,
Killea-yea, Mayor Wilson-yea.

ITEM-150: (R-82-1646) CONTINUED TO APRIL 12, 1982

Declaring and expressing the position of the City of San
Diego in respect to establishment of lotteries for the purpose
of RAISING REVENUES as follows: 1). Proposing as its number
one legislative recommendation that all subventions be
eliminated by establishing a single, identifiable source of
revenue consisting of an additional one cent of sales tax. 2).
Absent approval of the above, supporting AB 2414, ACA 65
(Kapiloff) provided it is amended to enable local government
to equitably share with the school system in the lottery
proceeds. Should this amendment be unacceptable, the City takes
no position on this legislation. 3). AB 2363, ACA 62
(Hannigan) - No position on this legislation. 4). AB 2577
(Vincencia) No position on this proposal.

(See Memorandum by the Director of Intergovernmental
Relations Department dated March 8, 1982.)

COMMITTEE ACTION: Reviewed by RULES on 3/15/82. Recommendation to ADOPT the

Resolution as AMENDED, that the City's position on the 1 cent Sales Tax be clearly stated as the first preference to a State lottery. Districts 4 and 8 voted yea. District 2 voted nay. District 3 not present.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D060-D082).

MOTION BY GOTCH TO CONTINUE TO APRIL 12, 1982, DUE TO LACK OF TIME. Second by Killea. Passed by the following vote: Mitchell-yea, Cleator-yea, Golding- yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-151: (R-82-1647) CONTINUED TO APRIL 12, 1982

Directing City staff to draft criteria governing the action to be taken in respect to IMPLEMENTING or ADOPTING a POLICY of NON-COMPLIANCE with newly imposed, unfunded state mandates; directing the City Attorney to analyze each decision recommended to determine exposure to an extent, if any, of liability; declaring that the City support San Diego County's proposed legislation which provides (1) that the state shall reimburse local agencies for 110 percent of an approved claim not paid within forty-five days of filing and (2) to exempt local agencies from performing state mandates if an approved claim is not paid within one year of filing said claim.

(See Memorandum by the Director of the Intergovernmental Relations Department dated March 8, 1982.)

COMMITTEE ACTION: Reviewed by RULES on 3/15/82. Recommendation to ADOPT the Resolution. Districts 2, 4, 8 and Mayor voted yea. District 3 not present.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D060-D082).

MOTION BY GOTCH TO CONTINUE TO APRIL 12, 1982, DUE TO LACK OF TIME. Second by Killea. Passed by the following vote: Mitchell-yea, Cleator-yea, Golding- yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-202: (R-82-1596) CONTINUED TO APRIL 12, 1982

Authorizing the execution of a CONVEYANCE to the San Diego Unified Port District of EASEMENTS for street purposes, including portions of ANCHORAGE LANE, SHELTER ISLAND DRIVE, TALBOT STREET and CANON STREET.

(Loma Portal - La Playa Community area. DISTRICT-2.)

FILE LOCATION:

DEED F-1402

COUNCIL ACTION: (Tape location: D060-D082).

MOTION BY GOTCH TO CONTINUE TO April 12, 1982, DUE TO LACK OF TIME. Second by Killea. Passed by the following vote: Mitchell-yea, Cleator-yea, Golding- yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-203: (R-82-1604) RETURNED TO CITY MANAGER

Authorizing the SALE of LOT 2, BLOCK 19, MUIRLANDS to be sold to the highest bidder at the April 5, 1982 auction; authorizing the MAYOR and CITY CLERK to execute a GRANT DEED, granting to the highest bidder said property; declaring that a broker's commission shall be paid if the successful bidder is represented by a registered broker. Authorizing the payment of related expenses in accordance with the sale from the proceeds thereof.

(Located at Nautilus St. and Muirlands Dr. West of Via Valverde. La Jolla Community area. DISTRICT-1.)

FILE LOCATION:

DEED F-1403

COUNCIL ACTION: (Tape location: A015-039).

MOTION BY MURPHY TO RETURN TO CITY MANAGER, AT MANAGER'S REQUEST.

Second by Golding. Passed by the following vote: Mitchell-yea, Cleator-not present, Golding-yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-204: (R-82-1623) CONTINUED TO APRIL 12, 1982

Rescinding Resolution R-196024, adopted February 11, 1969, which authorized the Water Utilities Department to PERMIT the PARK AND RECREATION DEPARTMENT to USE and OCCUPY the LAND and FACILITIES at the SAN CARLOS GOLF COURSE for a term of twenty years, in consideration for an annual payment of \$39,216, provided, that if the lease between the City and California Golf Tennis Corporation does not annually net \$39,216 to the Water Utility Operating Fund through February 11, 1989 (when Resolution R-190264 would have expired), the General Fund shall reimburse the Water Utility Operating Fund for any difference.

(See City Manager Report CMR-82-109. San Carlos Community area. DISTRICT- 7.)

FILE LOCATION:

LEAS - California Golf Tennis Corp.

COUNCIL ACTION: (Tape location: D060-D082).

MOTION BY GOTCH TO CONTINUE TO APRIL 12, 1982, DUE TO LACK OF

TIME. Second by Killea. Passed by the following vote:
Mitchell-yea, Cleator-yea, Golding- yea, Williams-not present,
Struiksmayea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-310: TRAILED TO TUESDAY, APRIL 6, 1982, P.M.
CONTINUED TO APRIL 12, 1982, 3:00 P.M.

(Continued from the Meeting of March 23, 1982 at
Councilmember Murphy's request.)

Report to Council by the CITY MANAGER on the matter of the
San Diego Police Association Grievance re: reduction of
COMPENSATORY TIME BALANCES by June 30, 1981.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A015-039, E046-065).

Motion by Murphy to trail to Tuesday afternoon. Second by
Golding. Passed. Yeas: 1,3,5,6,7,8,M. Not present: 2,4.

MOTION BY GOLDING TO CONTINUE TO APRIL 12, 1982, 3:00 P.M., DUE
TO LACK OF TIME. Second by Gotch. Passed by the following vote:
Mitchell-yea, Cleator- yea, Golding-yea, Williams-not present,
Struiksmayea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-330:

19820406

a) - Proposal to amend the 1971 ELLIOTT COMMUNITY PLAN by
rescinding those portions within and westerly of the Mission
Trails Regional Park boundaries that were established by Council
Resolution R-221186 adopted on June 19, 1978.

b) - Proposal to adopt the TIERRASANTA COMMUNITY PLAN,
encompassing the area described above and including all portions
of Mission Trails Regional Park within and northerly of the
Elliott Community Plan area.

c) - Proposal to amend the Progress Guide and General Plan for
the City of San Diego - to amend the Map concerning those portions
covered by the proposed recision to portions of the Elliott
Community Plan and the adoption of the Tierrasanta Community Plan.
(DISTRICT-7.)

Subitem-A: (R-82-1245) ADOPTED AS RESOLUTION R-256161

Adoption of a RESOLUTION certifying that the information
contained in ENVIRONMENTAL IMPACT REPORT EIR-81-01-23 has been
completed in compliance with the California Environmental

Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-82-1246) CONTINUED TO JULY 6, 1982, 2:00 P.M.

Adoption of a RESOLUTION rescinding portions of the Elliott Community Plan and adopting the Tierrasanta Community Plan, to be effective when the amendment to the General Plan Map is adopted after a hearing on or about June 22, 1982.

Subitem-C: (R-82-) ADOPTED AS RESOLUTION R-256163

Adoption of a RESOLUTION containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with ENVIRONMENTAL IMPACT REPORT EIR-81-01-23.

FILE LOCATION: LAND Tierrasanta Community Plan

COUNCIL ACTION: (Tape location: A079-C024).

Hearing began at 8:50 a.m. and halted at 10:10 a.m.

Council Member Cleator entered at 9:00 a.m.

Testimony in favor by Michael Mele.

Testimony in opposition by August Krutzsck, Paul Robinson, Roy Collins and Haden Toliver.

MOTION BY MURPHY TO ADOPT SUBITEMS A AND C, AND CONTINUE SUBITEM B, SPECIFICALLY, THE INDUSTRIAL ELEMENT OF THE TIERRASANTA COMMUNITY PLAN TO JULY 6, 1982, 2:00 P.M., AT HIS REQUEST, AND APPROVE ALL OTHER PORTIONS OF THE AMENDED PLAN. DIRECT THE

PLANNING

DEPARTMENT TO MEET WITH MR. KRUTZSCK, HIS ATTORNEY, THE BROKER AND HIS CLIENT, AND THE TIERRASANTA COMMUNITY COUNCIL AND WORK OUT

SOMETHING THAT WOULD BE MUTUALLY ACCEPTABLE SO THAT A PLAN COMPROMISE FOR THE INDUSTRIAL ELEMENT COULD BE APPROVED IN A WAY

THAT ALLOW SOME SORT OF PROJECT TO GO FORWARD. Second by Gotch.

Passed by the following vote: Mitchell-yea, Cleator-yea, Golding-yea, Williams-not present, Struiksmay-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-331:

19820406

(Continued from the Meeting of March 2, 1982 at George Simpson's request.)

Seven actions relative to SUNSET CLIFFS SHORELINE
STABILIZATION ASSESSMENT DISTRICT:

Subitem-A: (R-82-1660) ADOPTED AS RESOLUTION R-256164

Resolution of the Council of the City of San Diego, AMENDING
its RESOLUTION of INTENTION to provide for the ISSUANCE of
BONDS to represent and be secured by unpaid assessments
pursuant to the San Diego Improvement District procedural
Ordinance of 1982 rather than the Improvement Act of 1911.

Subitem-B: (R-82-1663) ADOPTED AS RESOLUTION R-256165

Resolution ORDERING CHANGES in the REPORT.

Subitem-C: (R-82-1664) ADOPTED AS RESOLUTION R-256166

Resolution FINDING and DETERMINING that PUBLIC CONVENIENCE
and NECESSITY REQUIRE CERTAIN IMPROVEMENTS.

Subitem-D: (R-82-1665) ADOPTED AS RESOLUTION R-256167

Resolution MAKING FINDINGS, OVERRULING PROTESTS and
OBJECTIONS, CONFIRMING DIAGRAM and ASSESSMENTS, as AMENDED,
ORDERING the WORK, and ORDERING CITY CONTRIBUTION.

Subitem-E: (R-82-1666) ADOPTED AS RESOLUTION R-256168

Resolution AWARDING CONSTRUCTION CONTRACT for WORK and
IMPROVEMENTS.

Subitem-F: (R-82-1661) ADOPTED AS RESOLUTION R-256169

Resolution ESTABLISHING BOND RESERVE FUND.

Subitem-G: (R-82-1662) ADOPTED AS RESOLUTION R-256170

Resolution CONCERNING FORECLOSURE of DELINQUENT ASSESSMENT
LIENS.

(Hearing open. No testimony taken.)

FILE LOCATION: STRT D-2233

COUNCIL ACTION: (Tape location: D085-E046, E082-F243).

Hearing began 3:21 p.m. and recessed 4:02 p.m.

Hearing resumed 4:04 p.m. and halted 4:57 p.m.

By common consent the time for testimony was extended for 20
minutes.

Testimony in opposition by George Kirkpatrick, Grace Cox, Robert
Burns, Beverly Libbey, Ken Erhardt, and Wendell Gayman.

Testimony in favor by George Gable.

Mayor Wilson left 4:30 p.m.

Testimony in favor by Robert Bryson, Lance Witt, Mary Snell, Ken
Kates, and Lark Dimond.

By common consent Deputy Mayor Killea closed the hearing.

Mayor Wilson entered 4:49 p.m.

MOTION BY CLEATOR TO CLOSE THE HEARING AND ADOPT SUBITEMS-A THROUGH G. Second by Murphy. Passed by the following vote:
Mitchell-yea, Cleator-yea, Golding-yea, Williams-not present,
Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor
Wilson-yea.

ITEM-332:

19820406

APPEAL of BANKERS' HILL CANYON ASSOCIATION, by Wayne Philip Bergman, from the decision of the PLANNING COMMISSION in APPROVING an Amendment to PLANNED RESIDENTIAL DEVELOPMENT PERMIT PRD-20-173-0, to construct 8 units with tennis court and swimming pool in the R-1-5 ZONE. The subject property is located on the west side of Front Street, between Spruce and Redwood Streets, in the Uptown Community Plan area, and is more particularly described as LOTS C through J, BLOCK 362, HORTON'S ADDITION.

(PRD-20-173-1. DISTRICT-8.)

Subitem-A: (R-82-) ADOPTED AS RESOLUTION R-256171

Adoption of a RESOLUTION certifying that the information contained in ENVIRONMENTAL NEGATIVE DECLARATION END-81-11-03 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-82-) APPEAL GRANTED AS RESOLUTION R-256172

Adoption of a RESOLUTION granting the appeal and denying the amendment to the permit, or denying the appeal and granting the amendment to the permit with appropriate findings to support Council action.

FILE LOCATION: PERM PRD-20-173-0

COUNCIL ACTION: (Tape location: F243-H320).

Hearing began 4:58 p.m. and halted 6:29 p.m.

Testimony in favor by Debora Able, Jerry Dawson, Wayne Bergman, Kathleen Matola, Amy Silverberg, and Art Casey.

Testimony in opposition by Herbert Solomon.

Motion by Struiksma to suspend the rules to permit testimony for both sides for 30 minutes and to extend the time of the Council meeting past 5:30 p.m. Second by Murphy. Passed. Yeas:

1,2,3,5,6,7,8,M. Nays: None. Not present: 4.

MOTION BY STRUKSMA TO CLOSE THE HEARING, ADOPT SUBITEM-A AND SUBITEM-B, GRANTING THE APPEAL AND DENYING THE AMENDMENT TO THE

PERMIT. Second by Murphy. Passed by the following vote:

Mitchell-yea, Cleator-yea, Golding-yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-S400: (R-82-1648) TRAILED TO TUESDAY, APRIL 6, 1982, P.M.
CONTINUED TO APRIL 13, 1982, 10:00 A.M. TIME CERTAIN

(Continued from the Meeting of March 30, 1982 at Council Member Williams' request.)

Requesting SANDAG to COMMISSION a POLL of REGISTERED VOTERS to DETERMINE PREFERENCE on a two cents/four cents LOCAL OPTION FUEL TAX (LOFT) ALTERNATIVE, or a 1/2 cent sales tax approach for transportation purposes in place of LOFT; supporting the concept of placing a proposition for a Local Option Fuel Tax on the November 2, 1982 County-wide ballot; directing City staff to work with the staff of the County and other jurisdictions in developing ballot language and to proceed expeditiously with developing enabling legislation for a County-wide sales tax for transportation purposes.

(See City Manager Reports CMR-82-31 and CMR-82-95.)

COMMITTEE ACTION: Reviewed by TLU on 3/22/82. Recommendation to ADOPT the Resolution. Districts 3, 4, 5 and 7 voted yea. District 1 voted nay.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: A015-039, E046-068).

Motion by Murphy to trail to Tuesday afternoon. Second by Golding. Passed. Yeas: 1,3,5,6,7,8,M. Not present: 2,4.

MOTION BY GOLDING TO CONTINUE TO APRIL 13, 1982, 10:00 A.M. TIME CERTAIN DUE TO LACK OF TIME. Second by Gotch. Passed by the following vote: Mitchell- yea, Cleator-yea, Golding-yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-S403: (R-82-1444) CONTINUED TO APRIL 12, 1982

(Continued from the Meeting of March 30, 1982 at Council Member Gotch's request.)

Declaring the real property and improvements, owned by THEATRICE and JO APPLEBERRY, located at 4025 BROADWAY, to be a PUBLIC NUISANCE; authorizing and instructing the CITY ATTORNEY

to take appropriate legal action to abate the aforesaid nuisance.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D062-082).

MOTION BY GOTCH TO CONTINUE TO APRIL 12, 1982, DUE TO LACK OF TIME. Second by Killea. Passed by the following vote: Mitchell-yea, Cleator-yea, Golding- yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-S404: (R-82-1443) CONTINUED TO APRIL 12, 1982

(Continued from the Meeting of March 30, 1982 at Council Member Gotch's request.)

Declaring the real property and improvements, owned by DONNA SWEET, located at 3705 CHAMOUNE AVENUE, to be a PUBLIC NUISANCE; authorizing and instructing the CITY ATTORNEY to take appropriate legal action to abate the aforesaid nuisance.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: D060-082).

MOTION BY GOTCH TO CONTINUE TO APRIL 12, 1982, DUE TO LACK OF TIME. Second by Killea. Passed by the following vote: Mitchell-yea, Cleator-yea, Golding- yea, Williams-not present, Struiksma-yea, Gotch-yea, Murphy-yea, Killea-yea, Mayor Wilson-yea.

ITEM-UC-1: (R-82-1756) ADOPTED AS RESOLUTION R-256173

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Councilman Leon Williams from the April 6, 1982 meeting of the City Council due to illness.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: H324-H334).

MOTION BY STRUIKSMA TO ADOPT. Second by Golding. Passed by the following vote: Mitchell-yea Cleator-yea Golding-yea Williams-not present Struiksma-yea Gotch-yea Murphy-yea Killea-yea Mayor Wilson-yea.

ITEM-CS-1 (R-82-1679) ADOPTED AS RESOLUTION R-256174

A Resolution adopted by the City Council in Closed Session on April 6, 1982:

Authorizing the City Manager to pay the total sum of \$50,000

in the settlement of Superior Court Case No. 442836, John Jensen v. The City of San Diego, et al., and of each and every claim against The City of San Diego, its agents and employees resulting from personal injuries to John Jensen; authorizing the City Auditor and Comptroller to issue one check, in the amount of \$50,000, made payable to John Jensen and his attorney, Hugh McLean, in full settlement of the lawsuit and of all claims.

FILE LOCATION:

MEET

ITEM-CS-2 (R-82-1691) ADOPTED AS RESOLUTION R-256175

A Resolution adopted by the City Council in Closed Session on April 6, 1982:

Authorizing the City Manager to pay the total sum of \$275,000 in the settlement of Superior Court Case No. 465328, Matthew Tilley, et al, v. City of San Diego, et al., and of each and every claim against The City of San Diego, its agents and employees resulting from the fatal injury of Kim Tilley; authorizing the City Auditor and Comptroller to issue one check, in the amount of \$275,000 made payable to Ault, Midlam & Reynolds Trust Account, in full settlement of the lawsuit and of all claims.

FILE LOCATION:

MEET

ADJOURNMENT:

By common consent the meeting was adjourned by Mayor Wilson at 6:30 p.m.

FILE LOCATION:

MINUTES